

REMARKS

Claims 1-22, 37-46, 66, 81-88, 108 and 119-126 were pending. Claim 2 was canceled and claims 1, 3, 22, 37, 66, 81, 84, 108, 119, 123 and 124 were amended to remove non-elected subject matter, and to amend language specified by the Examiner, as discussed in more detail *infra*. Support for the amendments to the claims can be found throughout the specification and claims as originally filed. New claims 127-129 were added. Support for the new claims can also be found throughout the specification and claims as originally filed and at least, for example, in paragraphs [0074] and [0068] of the published PCT application as well as original claim 22. *No new matter has been added.*

Applicants reserve the right to pursue cancelled subject matter in one or more continuation or divisional applications.

Double Patenting

Claims 1-22, 40, 43, 66 and 81 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 and 10 of co-pending U.S. Application No. 10/657,910.

Pursuant to MPEP 804(I)(B)(1), Applicants respectfully submit that, upon allowance of co-pending U.S. Application No. 10/507,067, a terminal disclaimer will be filed in the present application, thus rendering a nonstatutory obviousness-type double patenting rejection moot.

Claim Rejections – 35 U.S.C. §112

Claims 1-22, 37-46, 66 and 81-83 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the application. Specifically, the Examiner has indicated that the phrases “having the structure” and “has the structure” render the products indefinite. In the interest of expediting prosecution and in no way acquiescing to the validity of the rejection, the claims have been amended to recite “a compound *of* the structure...” as requested by the Examiner.

Claims 1-22, 37-46, 66 and 81-83 have been rejected under 35 U.S.C. §112, second paragraph, as failing to comply with the written description requirement. Specifically, the term “prodrug moiety” has been objected to. In the interest of expediting prosecution and in no way acquiescing to the validity of the rejection, the claims have been amended to remove the phrase “prodrug moiety.”

In view of the foregoing, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112 and reconsideration of the claims.

Claim Objection – Non-elected subject matter

Claims 1-22, 37-46 66 and 81-83 have been objected to as containing non-elected subject matter. Accordingly, the claims have been amended to remove non-elected subject matter solely in the interest of expediting prosecution. It is to be understood that no claim amendments have been made for reasons of patentability.

Oath/Declaration

The Oath or Declaration has been objected to because the alterations made to inventor Yimin Jiang’s citizenship were not initialed. Applicants thank the Examiner for catching this oversight, and will submit a supplemental declaration from Yimin Jiang as soon as practicable and prior to payment of the Issue Fee for the present application.

CONCLUSION

Applicants invite the Examiner to contact the undersigned with questions or comments with regard to the present application. A request for the appropriate extension of time is being filed concurrently herewith.

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Respectfully submitted,

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